

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**


MELINDA MARKOVICH,)	
)	
Plaintiff,)	2:21-cv-1596
)	
v.)	
)	Judge Marilyn J. Horan
UNION RAILROAD COMPANY,)	
LLC,)	
)	
Defendant.)	

ORDER OF THE COURT

AND NOW, on this 28th day of July, 2022, following a thorough review of the record, the Union Railroad Company's Objections, (ECF No. 32), to Magistrate Judge Dodge's Report and Recommendation, (ECF No. 29), are sustained in part and overruled in part. The Union Railroad Company's objection, regarding this Court's subject matter jurisdiction, is overruled. The Union Railroad Company's objection, regarding Ms. Markovich's age and gender discrimination claims, is sustained.

This Court adopts in part and rejects in part the Magistrate Judge's Report and Recommendation as the Opinion of the Court. The Report and Recommendation, finding subject matter jurisdiction, is adopted as the Opinion of this Court. The Report and Recommendation, regarding Ms. Markovich's age and gender discrimination claims, is rejected. Accordingly, the Union Railroad Company's Motion to Dismiss, 12(b)(1), subject matter jurisdiction, is denied, and its Motion to Dismiss, 12(b)(6), age and gender discrimination, is granted. Ms. Markovich is

granted leave to amend as will be directed by Magistrate Judge Dodge.


Marilyn J. Horan
United States District Judge